

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RONNIE WHERRY, JR.,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-15-0545-HE
	)	
D. GUNTER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Ronnie Wherry, Jr. (“Wherry”), a prisoner appearing *pro se*, was previously granted an extension until June 23, 2016, to file any objection to the Report and Recommendation in which Magistrate Judge Charles B. Goodwin recommended that the case be dismissed and that a “strike” be imposed based on the nature of the allegations. See Doc. No. 14. Plaintiff has not filed any objections to date.

Plaintiff has therefore waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court **ADOPTS** the Report and Recommendation, a copy of which is attached to this order. This case is **DISMISSED** without prejudice under 28 U.S.C. § 1915(e)(2)(B). In the event this order is appealed and affirmed by an appellate court, or if defendant does not pursue an appeal, this dismissal will count as a strike pursuant to 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

Dated this 6th day of July, 2016.



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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE